

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

IN RE:

Matthew D. Shade  
Alicia N. Deaton  
Debtors

Case No: 13-34750  
(Chapter 13)

JUDGE LAWRENCE S. WALTER

---

**MOTION OF TRUSTEE TO DISMISS THIS CASE PURSUANT TO 11 U.S.C. §1307(c),  
or FOR OTHER APPROPRIATE RELIEF**

---

The Chapter 13 Trustee moves for the dismissal of this case on the grounds as below indicated; pursuant to 11 U.S.C. §1307(c); or for other appropriate relief.

The debtor(s) failed to commence payments within 30 days after the plan was filed as required by 11 U.S.C. §1326(a)

/s/ Jeffrey M. Kellner

Jeffrey M. Kellner #0022205  
Chapter 13 Trustee  
131 N Ludlow St Suite 900  
Dayton, Oh 45402-1161  
(937) 222-7600 FAX (937) 222-7383  
email: chapter13@dayton13.com

13-34750

**NOTICE OF MOTION**

Jeffrey M Kellner, Chapter 13 Trustee, has filed a Motion To Dismiss Pursuant to 11 .U.S.C. §1307(c).

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the Motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, US Bankruptcy Court, Southern District of Ohio, 120 W Third St., Dayton, OH 45402 OR your attorney must file a response using the court's ECF system .

The court must receive your response on or before the above date .

You must also send a copy of your response either by 1 ) the court's ECF system or by 2) regular U.S. Mail to

Matthew D. Shade, 322 Morton Ave., Dayton, OH 45410-1300

Alicia N. Deaton, 322 Morton Ave., Dayton, OH 45410-1300

RUSS B COPE, 6826 LOOP RD, DAYTON, OH 45459

Jeffrey M. Kellner, Chapter 13 Trustee, 131 N. Ludlow St., Dayton, OH 45402

Office of the U.S. Trustee, 170 North High St., Suite 200, Columbus, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

CERTIFICATE OF SERVICE

13-34750

I hereby certify that on January 9, 2014, a copy of the attached was served on the following ECF participants electronically through the court's ECF System at the email address registered with the court.

OFFICE OF THE U S TRUSTEE  
170 NORTH HIGH ST  
SUITE 200  
COLUMBUS, OH 43215

RUSS B COPE  
6826 LOOP RD  
DAYTON, OH 45459

And on the following by ordinary U.S. Mail, on January 9, 2014:

Matthew D. Shade  
Alicia N. Deaton  
322 Morton Ave.  
Dayton, OH 45410-1300

/s/ Jeffrey M. Kellner

1334750\_149\_20140108\_112939\_712/T184\_jb  
###

..